

JS 44 (Rev. 12/12)

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS
Deborah Grooms(b) County of Residence of First Listed Plaintiff Philadelphia
(EXCEPT IN U.S. PLAINTIFF CASES)(c) Attorneys (Firm Name, Address, and Telephone Number)
Nancy J. Winkler, Esq., Eisenberg, Rothweiler, Winkler, Eisenberg & Jack, P.C. - 1634 Spruce St., Phila., PA - 215-546-6636**DEFENDANTS**

Tyrone Wiggins, City of Phila., Richard Neal, John Timoney, Sylvester Johnson and Phila. Dept. of Parks and Recreation

County of Residence of First Listed Defendant Philadelphia
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys (If Known)
Christopher H. Rider, Esq.**II. BASIS OF JURISDICTION** (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
- ☒ 3 Federal Question (U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant
- ☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | PTF | DEF | | PTF | DEF |
|---|----------------------------|----------------------------|---|----------------------------|----------------------------|
| Citizen of This State | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTIES	BANKRUPTCY	OTHER STATUTES	
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice	PERSONAL INJURY <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input checked="" type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education	PRISONER PETITIONS Habeas Corpus: <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty Other: <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement	IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions		

V. ORIGIN (Place an "X" in One Box Only)

- ☐ 1 Original Proceeding
- ☒ 2 Removed from State Court
- ☐ 3 Remanded from Appellate Court
- ☐ 4 Reinstated or Reopened
- ☐ 5 Transferred from Another District (specify)
- ☐ 6 Multidistrict Litigation

VI. CAUSE OF ACTIONCite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):
42 U.S.C. Sec. 1983

Brief description of cause:

Civil Rights Violation under 42 U.S.C. Sec. 1983**VII. REQUESTED IN COMPLAINT:**☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.**DEMAND \$**

CHECK YES only if demanded in complaint:

JURY DEMAND: ☐ Yes ☐ No**VIII. RELATED CASE(S) IF ANY**

(See Instructions):

JUDGE

DOCKET NUMBER

DATE

7/23/13

SIGNATURE OF ATTORNEY OF RECORD

FOR OFFICE USE ONLY

RECEIPT #

AMOUNT

APPLYING IFF

JUDGE

MAG. JUDGE

**IN THE UNITED STATES DISTRICT COURT FOR
THE EASTERN DISTRICT OF PENNSYLVANIA**

Deborah Grooms
1801 Beyer Avenue, Apt. B
Philadelphia, PA 19115
Plaintiff

Civil Action

NO: _____

V.

Tyrone Wiggins, in his individual and
Official Capacity as a member of the
City of Philadelphia Police Dept.
SCI Mahanoy
Inmate No.: JY6603
301 Morea Road
Frackville, PA 17932
and
City of Philadelphia
1515 Arch Street
Philadelphia, PA 19102
and
Richard Neal, in his individual and
Official Capacity as the Commissioner of the
City of Philadelphia Police Dept.
One Franklin Square
Philadelphia, PA 19106
and
John Timoney, in his individual and
Official Capacity as the Commissioner
of the City of Philadelphia Police Dept.
One Franklin Square
Philadelphia, PA 19106
and
Sylvester Johnson, in his individual and
Official Capacity as the Commissioner of the
City of Philadelphia Police Dept.
One Franklin Square
Philadelphia, PA 19106
and
Phila. Dept. of Parks and Recreation
1515 Arch Street
Philadelphia, PA 19102
Defendants

Formerly

Court of Common Pleas
Philadelphia County
Trial Division – Civil
July Term 2013
No. 000212

NOTICE OF REMOVAL

To the Honorable Judges of the United States District Court for the Eastern District of Pennsylvania.

Pursuant to 28 U.S.C. § 1441, defendant, the City of Philadelphia (hereinafter “petitioners”) through their counsel, Christopher H. Rider, Assistant City Solicitor, respectfully petition for the removal of this action to the United States District Court for the Eastern District of Pennsylvania. In support thereof, defendants state the following:

1. In July 2013, plaintiff initiated this action by a Complaint in the Court of Common

Pleas in Philadelphia, July 2013, No. 000212. (Exhibit A - Complaint).

2. On July 3, 2013 said Complaint was served on Petitioners at 1515 Arch Street, 14th Floor, Philadelphia, Pennsylvania.


3. Plaintiff alleges that on January 1, 1997, she sustained damages when her civil rights were violated by the defendants. (Exhibit A).

4. This action may be removed to this Court pursuant to 28 U.S.C. § 1441 since Plaintiff's Complaint contains allegations of violations of the plaintiff's Federal Civil Rights and seeks relief under 42 U.S.C. § 1983. (Exhibit A)

Wherefore, petitioner, the City of Philadelphia, respectfully request that the captioned Complaint be removed to the United States District Court for the Eastern District of Pennsylvania.

Respectfully submitted,

Craig Straw
Chief Deputy City Solicitor


CHRISTOPHER H. RIDER
Assistant City Solicitor
Attorney I.D. No. 307265
1515 Arch Street, 14th Floor
Philadelphia, PA 19102
215-683-5444

Date: 7/24/13

**IN THE UNITED STATES DISTRICT COURT FOR
THE EASTERN DISTRICT OF PENNSYLVANIA**

Deborah Grooms
1801 Beyer Avenue, Apt. B
Philadelphia, PA 19115
Plaintiff

Civil Action

NO: _____

V.

Tyrone Wiggins, in his individual and
Official Capacity as a member of the
City of Philadelphia Police Dept.
SCI Mahanoy
Inmate No.: JY6603
301 Morea Road
Frackville, PA 17932
and
City of Philadelphia
1515 Arch Street
Philadelphia, PA 19102
and
Richard Neal, in his individual and
Official Capacity as the Commissioner of the
City of Philadelphia Police Dept.
One Franklin Square
Philadelphia, PA 19106
and
John Timoney, in his individual and
Official Capacity as the Commissioner
of the City of Philadelphia Police Dept.
One Franklin Square
Philadelphia, PA 19106
and
Sylvester Johnson, in his individual and
Official Capacity as the Commissioner of the
City of Philadelphia Police Dept.
One Franklin Square
Philadelphia, PA 19106
and
Phila. Dept. of Parks and Recreation
1515 Arch Street
Philadelphia, PA 19102
Defendants

Formerly

Court of Common Pleas
Philadelphia County
Trial Division – Civil
July Term 2013
No. 000212

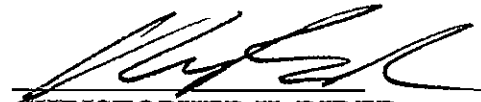
NOTICE OF FILING OF REMOVAL

TO: Nancy J. Winkler, Esq.
Eisenberg, Rothweiler, Winkler,
Eisenberg & Jeck, P.C.
1634 Spruce Street
Philadelphia, PA 19103

PLEASE TAKE NOTICE THAT on July 23, 2013, defendant, the City of Philadelphia
filed, in the office of the Clerk of the United States District Court for the Eastern District of

Pennsylvania a verified Notice of Removal.

A copy of this Notice of Removal is attached hereto and is also being filed with the Clerk of the Court of Common Pleas of Philadelphia County, pursuant to Title 28, United States Code, Section 1446(e).

A handwritten signature in black ink, appearing to read 'CHRISTOPHER H. RIDER', is written over a horizontal line.

CHRISTOPHER H. RIDER

Assistant City Solicitor

Attorney I.D. No. 307265

City of Philadelphia Law Department

1515 Arch Street, 14th Floor

Philadelphia, PA 19102

215-683-5444

**IN THE UNITED STATES DISTRICT COURT FOR
THE EASTERN DISTRICT OF PENNSYLVANIA**

Deborah Grooms
1801 Beyer Avenue, Apt. B
Philadelphia, PA 19115
Plaintiff

Civil Action

NO: _____

V.

Tyrone Wiggins, in his individual and
Official Capacity as a member of the
City of Philadelphia Police Dept.
SCI Mahanoy
Inmate No.: JY6603
301 Morea Road
Frackville, PA 17932
and
City of Philadelphia
1515 Arch Street
Philadelphia, PA 19102
and
Richard Neal, in his individual and
Official Capacity as the Commissioner of the
City of Philadelphia Police Dept.
One Franklin Square
Philadelphia, PA 19106
and
John Timoney, in his individual and
Official Capacity as the Commissioner
of the City of Philadelphia Police Dept.
One Franklin Square
Philadelphia, PA 19106
and
Sylvester Johnson, in his individual and
Official Capacity as the Commissioner of the
City of Philadelphia Police Dept.
One Franklin Square
Philadelphia, PA 19106
and
Phila. Dept. of Parks and Recreation
1515 Arch Street
Philadelphia, PA 19102
Defendants

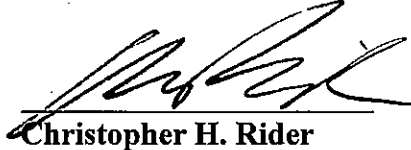
Formerly

Court of Common Pleas
Philadelphia County
Trial Division – Civil
July Term 2013
No. 000212

CERTIFICATE OF SERVICE

I, Christopher H. Rider, Assistant City Solicitor, do hereby certify that a true and correct copy of the attached Notice of Removal has been served upon the following by First Class Mail, postpaid, on the date indicated below:

TO: Nancy J. Winkler, Esq.
Eisenberg, Rothweiler, Winkler,
Eisenberg & Jeck, P.C.
1634 Spruce Street
Philadelphia, PA 19103



Christopher H. Rider
Assistant City Solicitor
City of Philadelphia Law Department
1515 Arch Street, 14th Floor
Philadelphia, PA 19102
215-683-5444

Date:

7/22/13

Exhibit "A"

#90532

(NO RISK ETC)

Court of Common Pleas of Philadelphia County
Trial Division
Civil Cover Sheet

For Prothonotary Use Only (Docket Number)

JULY 2013 **000212**

Filing Number: 1307001845

PLAINTIFF'S NAME DEBORAH GROOMS		DEFENDANT'S NAME TYRONE WIGGINS	
PLAINTIFF'S ADDRESS 1801 BEYER AVENUE APARTMENT B PHILADELPHIA PA 19115		DEFENDANT'S ADDRESS INMATE#JY6603 SCI MAHANOEY 301 MOREA ROAD FRACKVILLE PA 17932	
PLAINTIFF'S NAME		DEFENDANT'S NAME * CITY OF PHILADELPHIA OK	
PLAINTIFF'S ADDRESS		DEFENDANT'S ADDRESS 1515 ARCH STREET PHILADELPHIA PA 19102	
PLAINTIFF'S NAME		DEFENDANT'S NAME RICHARD NEAL	
PLAINTIFF'S ADDRESS		DEFENDANT'S ADDRESS ONE FRANKLIN SQUARE PHILADELPHIA PA 19106	
TOTAL NUMBER OF PLAINTIFFS 1	TOTAL NUMBER OF DEFENDANTS 6	COMMENCEMENT OF ACTION <input checked="" type="checkbox"/> Complaint <input type="checkbox"/> Petition Action <input type="checkbox"/> Notice of Appeal <input type="checkbox"/> Writ of Summons <input type="checkbox"/> Transfer From Other Jurisdictions	
AMOUNT IN CONTROVERSY <input type="checkbox"/> \$50,000.00 or less <input checked="" type="checkbox"/> More than \$50,000.00	COURT PROGRAMS <input type="checkbox"/> Arbitration <input checked="" type="checkbox"/> Jury <input type="checkbox"/> Non-Jury <input type="checkbox"/> Other: <input type="checkbox"/> Mass Tort <input type="checkbox"/> Savings Action <input type="checkbox"/> Petition <input checked="" type="checkbox"/> Commerce <input checked="" type="checkbox"/> Minor Court Appeal <input checked="" type="checkbox"/> Statutory Appeals <input type="checkbox"/> Settlement <input type="checkbox"/> Minors <input type="checkbox"/> W/D/Survival		
CASE TYPE AND CODE 20 - PERSONAL INJURY - OTHER			
STATUTORY BASIS FOR CAUSE OF ACTION			
RELATED PENDING CASES (LIST BY CASE CAPTION AND DOCKET NUMBER)		FILED PRO PROTHY JUL 01 2013 J. OSTROWSKI	
		IS CASE SUBJECT TO COORDINATION ORDER? YES NO	
TO THE PROTHONOTARY: Kindly enter my appearance on behalf of Plaintiff/Petitioner/Appellant: <u>DEBORAH GROOMS</u> Papers may be served at the address set forth below.			
NAME OF PLAINTIFF'S/PETITIONER'S/APPELLANT'S ATTORNEY NANCY J. WINKLER		ADDRESS 1634 SPRUCE STREET PHILADELPHIA PA 19103	
PHONE NUMBER (215) 546-6636	FAX NUMBER (215) 546-0118		
SUPREME COURT IDENTIFICATION NO. 49465		E-MAIL ADDRESS nancy@erlegal.com	
SIGNATURE OF FILING ATTORNEY OR PARTY NANCY WINKLER		DATE SUBMITTED Monday, July 01, 2013, 03:06 pm	

COMPLETE LIST OF DEFENDANTS:

1. PHILADELPHIA DEPARTMENT OF PARKS AND RECREATION
1515 ARCH STREET
PHILADELPHIA PA 19102
2. SYLVESTER JOHNSON
ONE FRANKLIN SQUARE
PHILADELPHIA PA 19106
3. JOHN TIMONEY
ONE FRANKLIN SQUARE
PHILADELPHIA PA 19106
4. RICHARD NEAL
ONE FRANKLIN SQUARE
PHILADELPHIA PA 19106
5. CITY OF PHILADELPHIA
1515 ARCH STREET
PHILADELPHIA PA 19102
6. TYRONE WIGGINS
INMATE#JY6603 SCI MAHANAY 301 MOREA ROAD
FRACKVILLE PA 17932

EISENBERG, ROTHWEILER,
WINKLER, EISENBERG & JECK, P.C.

By: Stewart J. Eisenberg, Esquire
Nancy J. Winkler, Esquire
Dino Privitera, Esquire

Identification Nos: 32151/49465/69814
1634 Spruce Street
Philadelphia, PA 19103
(215) 546-6636



Attorneys for Plaintiff

Deborah Grooms
1801 Beyer Avenue, Apt B
Philadelphia, PA 19115

Plaintiff

v.

Tyrone Wiggins, in his individual and
Official Capacity as a member of the City of
Philadelphia Police Department
SCI Mahanoy
Inmate No.: JY6603
301 Morea Road
Frackville, PA 17932

and

City of Philadelphia
1515 Arch Street
Philadelphia, PA 19102

and

Richard Neal, in his individual and
Official Capacity as the Commissioner of the
City of Philadelphia Police Department
One Franklin Square
Philadelphia, PA 19106

and

John Timoney, in his individual and
Official Capacity as the Commissioner
of the City of Philadelphia Police Department
One Franklin Square

PHILADELPHIA COURT OF
COMMON PLEAS

JULY TERM 2013

NO:

JURY TRIAL DEMANDED

Philadelphia, PA 19106

and

Sylvester Johnson, in his individual and
Official Capacity as the Commissioner of the
City of Philadelphia Police Department
One Franklin Square
Philadelphia, PA 19106

and

Philadelphia Department of Parks and Recreation
1515 Arch Street
Philadelphia, PA 19102

Defendants

NOTICE TO DEFEND

NOTICE

You have been sued in court. If you wish to defend against the claims set forth in the following pages, you must take action within twenty (20) days after this complaint and notice are served, by entering a written appearance personally or by attorney and filing in writing with the court your defenses or objections to the claims set forth against you. You are warned that if you fail to do so the case may proceed without you and a judgment may be entered against you by the court without further notice for any money claimed in the complaint or for any other claim or relief requested by the plaintiff. You may lose money or property or other rights important to you.

YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER OR CANNOT AFFORD ONE, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW TO FIND OUT WHERE YOU CAN GET LEGAL HELP. THIS OFFICE CAN PROVIDE YOU WITH INFORMATION ABOUT HIRING A LAWYER. IF YOU CANNOT AFFORD TO HIRE A LAWYER, THIS OFFICE MAY BE ABLE TO PROVIDE YOU WITH INFORMATION ABOUT AGENCIES THAT MAY OFFER LEGAL SERVICES TO ELIGIBLE PERSONS AT A REDUCED FEE OR NO FEE

LAWYER REFERRAL SERVICE
One Reading Center
1101 Market Street
Philadelphia, Pennsylvania 19107
(215) 238-6333

AVISO

Le han demandado a usted en la corte. Si, usted quiere defenderse de estas demandas expuestas en las páginas siguientes, usted tiene veinte (20) días de plazo al partir de la fecha de la demanda y la notificación. Hace falta asentar una comparencia escrita o en persona o con un abogado y entregar a la corte en forma escrita sus defensas o sus objeciones a las demandas en contra de su persona. Sea avisado que si usted no se defiende, la corte tomará medidas y puede continuar la demanda en contra suya sin previo aviso o notificación. Además, la corte puede decidir a favor del demandante y requiere que usted cumpla con todas las provisiones de esta demanda. Usted puede perder dinero o sus propiedades u otros derechos importantes para usted.

"LLEVE ESTA DEMANDA A UN ABOGADO INMEDIATAMENTE. SI NO TIENE ABOGADO O SI NO TIENE EL DINERO SUFICIENTE DE PAGAR TAL SERVICIO, VAYA EN PERSONA O LLAME POR TELÉFONO A LA OFICINA CUYA DIRECCION SE ENCUENTRA ESCRITA ABAJO PARA AVERIGUAR DONDE SE PUEDE CONSEGUIR ASISTENCIA LEGAL. ESTA OFICINA PUEDE PROPORCIONARLE LA INFORMACION SOBRE CONTRATAR A UN ABOGADO. SI USTED NO TIENE DINERO SUFICIENTE PARA PAGAR A UN ABOGADO, ESTA OFICINA PUEDE PROPORCIONARLE INFORMACION SOBRE AGENCIAS QUE OFRECEN SERVICIOS LEGALES A PERSONAS QUE CUMPLEN LOS REQUISITOS PARA UN HONORARIO REDUCIDO O NINGUN HONORARIO."

SERVICIO DE REFERENCIA LEGAL
One Reading Center
1101 Market Street
Philadelphia, Pennsylvania 19107
Teléfono (215) 238-6333

CIVIL ACTION COMPLAINT **CIVIL RIGHTS**

AND NOW COMES the Plaintiff, Deborah Grooms, by and through her legal counsel, Stewart J. Eisenberg, Esquire, Nancy J. Winkler, Esquire and Dino Privitera, Esquire of the law firm of EISENBERG, ROTHWEILER, WINKLER, EISENBERG & JECK, P.C., and avers the following:

NATURE OF THE CASE

1. Plaintiff Deborah Grooms brings this action pursuant to 42 U.S.C. §1983 and state law against all of the above named Defendants to recover for injuries and harm that were

wantonly and willfully inflicted upon her by former and now imprisoned Philadelphia Police Officer Tyrone Wiggins, who engaged in a course of repeated sexual assault and violence against the Plaintiff, beginning when she was a minor and continuing into adulthood, by using, misusing, and abusing his official authority, status, title and position as a Philadelphia Police Officer to yield influence and control over Plaintiff for the purpose of sexually assaulting, violating and exploiting her, as well as to prevent her from reporting the years of sexual abuse to authorities.

2. Plaintiff Deborah Grooms also brings this action against the City of Philadelphia, former Police Commissioners Richard Neal, John Timoney and Sylvester Johnson for failing to properly screen, train, control, monitor and/or supervise Defendant Wiggins' activities and conduct, for failing to properly investigate, discipline and/or discharge Defendant Wiggins, for possessing actual and/or constructive knowledge of and/or acquiescing to Defendant Wiggins' abuses and violations of official authority and position as a police officer as described herein, for failing to intervene and stop Defendant Wiggins from committing, and continuing to commit over a period of several years, the wanton and willful violations described herein, for failing to preclude, prevent and/or restrain Defendant Wiggins from effectuating deprivations of constitutional rights under color of law, and for failing to prevent recurrence of the harm to Plaintiff.

3. Plaintiff Deborah Grooms also brings this action against the Philadelphia Department of Parks and Recreation, which was otherwise responsible for the safety, health and well-being of children and other individuals under its care and participating in activities and programs offered at the Olney Recreation Center and for supervising Defendant Wiggins' activities as a karate instructor at the Olney Recreation Center, for failing to properly screen,

investigate, train, control, monitor and/or supervise Defendant Wiggins' activities and conduct, for possessing actual and/or constructive knowledge of and/or acquiescing to Defendant Wiggins' abuses and violations of official authority and position as a police officer as described herein, for failing to intervene and stop Defendant Wiggins from committing, and continuing to commit over a period of several years, the wanton and willful violations described herein, for failing to preclude, prevent and/or restrain Defendant Wiggins from effectuating deprivations of constitutional rights under color of law, and for failing to prevent recurrence of the harm to Plaintiff.

4. Plaintiff Deborah Grooms also brings this action against the City of Philadelphia and/or Philadelphia Department of Parks and Recreation under a *Monell* theory of municipal liability for failing to adopt, implement, maintain and/or enforce proper policies, practices and procedures and/or for adopting, implementing, maintaining and/or enforcing improper, inadequate and reckless policies, practices and procedures governing the conduct and activities of police officers. Defendants' policies, practices, procedures and customs showed deliberate indifference to the constitutional rights of citizens, including Plaintiff Deborah Grooms, and failed to effectively safeguard citizens from official oppression at the hands of police officers.

PARTIES

5. Plaintiff Deborah Grooms hereby incorporates by reference the preceding paragraphs.

6. Plaintiff Deborah Grooms is an adult individual and citizen of the Commonwealth of Pennsylvania who currently resides at 1801 Beyer Avenue, Apt. B, Philadelphia, PA 19115.

7. Defendant Tyrone Wiggins ("Wiggins") is an adult individual who is currently

incarcerated at the State Correctional Institute at Mahanoy, inmate number JY6603. SCI Mahanoy is located at 301 Morea Road, Frackville, PA 17932.

8. At all relevant times hereto, Defendant Wiggins was employed as a police officer acting under color of law, with the Philadelphia Police Department.

9. At all relevant times, Defendant Wiggins acted in his individual capacity, and in his official capacity as a sworn police officer in the Philadelphia Police department, and was entrusted with the power and authority to protect and serve the citizenry and to enforce the laws of the Commonwealth of Pennsylvania and the City of Philadelphia.

10. At all relevant times, Defendant Wiggins was entrusted to protect the constitutional and civil rights of the citizens he encountered and was acting within the course and scope of his duties and authority, under color of state law, and was supervised or controlled by one or more of the other Defendants herein in the performance of his conduct and activities.

11. Defendant Richard Neal ("Neal") is an adult individual, and the former Police Commissioner of the Philadelphia Police Department between 1992 and 1998, who, upon information and belief, may be properly served at Police Headquarters located at One Franklin Square, Philadelphia, PA 19106.

12. Defendant John Timoney ("Timoney") is an adult individual, and the former Police Commissioner of the Philadelphia Police Department between 1998 and 2002, who, upon information and belief, may be properly served at Police Headquarters located at One Franklin Square, Philadelphia, PA 19106.

13. Defendant Sylvester Johnson ("Johnson") is an adult individual, and the former Police Commissioner of the Philadelphia Police Department between 2002 and 2008, who, upon

information and belief, may be properly served at Police Headquarters located at One Franklin Square, Philadelphia, PA 19106.

14. At all relevant times, Defendants Neal, Timoney and Johnson were acting under color of law as the Police Commissioners of the Philadelphia Police Department, serving in their official capacities as sworn officers and were entrusted with the power to protect and serve the citizenry and to enforce the laws of the Commonwealth of Pennsylvania and the City of Philadelphia.

15. At all relevant times, Defendants Neal, Timoney and Johnson were entrusted to protect and oversee, in a supervisory capacity, all police personnel and police activities, to create policy, develop policy, adopt policy, implement policy, enforce policy, and to implement discipline for violations of policy, and were also the ultimate and final authority within the Philadelphia Police Department for the hiring, screening, controlling, supervising and/or disciplining of police officers, and were entrusted to protect the constitutional and civil rights of those citizens they and their police personnel encountered in the performance of their duties.

16. Defendant City of Philadelphia is a governmental/municipal entity authorized and existing by virtue of laws and ordinances within the Commonwealth of Pennsylvania, with a business address for service of process at 1515 Arch Street, Philadelphia PA 19102.

17. The Philadelphia Police Department is a subunit of the City of Philadelphia, and not a separate or distinct entity capable of being sued. The individual defendants named above were all Philadelphia Police Officers.

18. At all relevant times, Defendant City of Philadelphia owned, operated, maintained, supervised, controlled, and was otherwise responsible for the Philadelphia Police

Department, its Commissioners, Commanding Officers, and member Police Officers.

19. Defendant City of Philadelphia is empowered to establish, regulate and control its Police Department for enforcement of laws within its jurisdiction and for the purpose of protecting and preserving the persons and property within the geographical and legal jurisdiction of the City of Philadelphia.

20. Defendant Philadelphia Department of Parks and Recreation is a governmental/municipal entity existing by virtue of laws and ordinances within the Commonwealth of Pennsylvania, and operating as an agency or department within the City of Philadelphia, with a business address for service of process at 1515 Arch Street, Philadelphia PA 19102.

21. At all relevant times, Defendant the Philadelphia Department of Parks and Recreation, owned, operated, maintained, supervised, controlled, and was otherwise responsible for various recreation centers located throughout the City of Philadelphia, including the Olney Recreation Center located at 6001 A Street, Philadelphia, PA 19120.

22. At all relevant times, Defendants City of Philadelphia and Philadelphia Department of Parks and Recreation, acted by and through its duly appointed agents, ostensible agents, servants, workmen, employees and/or member police officers, and are liable for the actions of said individuals while they acted within the course and scope of their employment with the City of Philadelphia and/or the Philadelphia Department of Parks and Recreation.

23. At all relevant times, Defendants City of Philadelphia, Neal, Timoney, Johnson and/or Philadelphia Department of Parks and Recreation, had non-delegable duties to preclude, prevent and/or restrain Defendant Wiggins from effectuating deprivations of Plaintiff's

constitutional and civil rights, to prevent recurrence of the injuries and harm to Plaintiff at the hands of Defendant Wiggins, to properly screen Defendant Wiggins' background, to verify and re-verify his credentials and fitness to serve as a Police Officer and/or as a karate instructor at Olney Recreation Center, to properly investigate citizen complaints concerning Defendant Wiggins' improper conduct as a police officer, to properly train, control and/or supervise Defendant Wiggins' activities and conduct while he was on the police force and/or while he was an karate instructor at the Olney Recreation Center, to properly discipline or discharge him for improper conduct or for conduct unbecoming of a Police Officer and/or to create, develop, adopt, enforce, implement and/or maintain proper policies and procedures to safeguard and protect the public at large from rogue, abusive, and out-of-control Police Officers who, through flagrant and outrageous use, misuse and abuse of their official authority as Police Officers, were able to engage in criminal acts or sexual assaults of innocent citizens and victims.

24. At all relevant times, Defendants City of Philadelphia, Neal, Timoney, Johnson and/or Philadelphia Department of Parks and Recreation, individually and severally, breached their respective duties as described herein and completely abdicated their duties and responsibilities to ensure Defendant Wiggins would not use, misuse and abuse his official authority and status as a Police Officer to perpetrate and commit sexual assaults and violence against the Plaintiff Deborah Grooms, which resulted in severe and permanent physical and emotional harm to Plaintiff, as more fully described below.

25. Plaintiff's claims arise under the Fourteenth Amendment to the United States Constitution and 42 U.S.C. §1983, and the laws of the Commonwealth of Pennsylvania to redress the deprivation under color of state law, rights, privileges and immunities secured to

Plaintiff by the Constitution of the United States and state law.

RELEVANT FACTS

26. Plaintiff Deborah Grooms hereby incorporates by reference the preceding paragraphs.

27. At all relevant times, Defendant Wiggins was employed as a Philadelphia Police Officer, and used, misused and abused his official authority, status and power as a Philadelphia Police Officer to perpetrate and commit sexual crimes and other violence against the Plaintiff Deborah Grooms.

28. Upon information and belief, Defendant Wiggins, a former Marine, is also an eighth degree black belt and a master martial arts teacher known as a "sensei."

29. At all relevant times, Defendant, Tyrone Wiggins was permitted by the City of Philadelphia, Commissioners Neal, Timoney and/or Johnson, as well as the Philadelphia Department of Parks and Recreation, to instruct and teach a karate class to various youngsters and students, including Plaintiff, at the Olney Recreation Center, located at 6001 N. A Street in Philadelphia.

30. As a police officer, former Marine, and martial arts master, Defendant Wiggins was an imposing authority figure and exercised considerable influence and control over the youngsters and students with whom he came into contact for the purposes of gaining their trust.

31. Commencing in or about 1995, when the Plaintiff Deborah Grooms was only ten (10) years old, she, and her brother, were enrolled in the karate class taught by Defendant Wiggins at the Olney Recreation Center.

32. After Plaintiff Deborah Grooms started karate classes, and while she was still a

minor, Defendant Wiggins targeted her for sexual exploitation and commenced a two year "grooming process" during which time Defendant Wiggins ingratiated himself with Plaintiff's family and became a self-described "father" or "godfather" to Plaintiff and her brothers.

33. In or about 1997, when the Plaintiff was only twelve (12) years old, Defendant Wiggins, then thirty-eight (38) years of age, took Plaintiff to his home and showed her a pornographic movie. Defendant Wiggins asked Plaintiff if she enjoyed or liked the pornographic movie, and then proceeded to threaten to hurt Plaintiff if she told anyone.

34. In or about 1997, Defendant Wiggins drove Plaintiff in a van to a secluded area in Fairmount Park. While alone, Defendant Wiggins exposed himself to Plaintiff, and had her perform a sex act on him.

35. About a week later, Defendant Wiggins returned to Fairmount Park with the Plaintiff, ordered her to remove her pants, and then raped her inside his van.

36. Commencing in or about 1997, and continuing for a period of approximately eight (8) years or more, Defendant Wiggins, engaged in numerous acts of sexual intercourse, oral sex, and anal sex with Plaintiff Deborah Grooms at various times and locations, including but not limited to the Olney Recreational Center, Plaintiff's apartment at the time, Defendant Wiggins' home, hotels, and Defendant Wiggins' van while at Fairmount Park.

37. In addition, during the same period of time, Defendant Wiggins, a martial arts expert and instructor, physically and verbally abused Plaintiff, attacked her and beat her causing visible injuries. Defendant Wiggins engaged in such violence and abusive conduct to keep Plaintiff in a state of perpetual fear and as a means of subjugating, controlling and silencing Plaintiff and to keep her from disclosing or revealing Defendant Wiggins' sexual exploitation of

Plaintiff.

38. Defendant Wiggins repeatedly and constantly used, misused and abused his official authority and position as a Police Officer, not only to get near Plaintiff Deborah Grooms, win over her family, and gain her trust, but also to control her and prevent her from ending or reporting the sexual abuse and violence.

39. Defendant Wiggins repeatedly threatened to have Plaintiff “locked up” if Plaintiff called the police to report the sexual abuse and violence.

40. In addition, Defendant Wiggins threatened to destroy Plaintiff’s career and life in Philadelphia, and that she would never be able to work for the City of Philadelphia or achieve her ambition and dream to work as a Philadelphia Police Officer herself “as long as he was a cop in Philly.”

41. Defendant Wiggins also told Plaintiff not to tell anyone about the sexual abuse and violence, and that “nobody would believe [her] anyway because he was a cop.”

42. On occasions when Defendant Wiggins would become loud and violent, neighbors in Plaintiff’s apartment would call the police to report the disturbance. When the police did respond, Defendant Wiggins “always showed his badge and told them everything was okay and they never asked any more questions.”

43. In addition, Defendant Wiggins would have sex with Plaintiff while he was on duty.

44. There were also occasions, while Plaintiff was still a minor, when Defendant, Wiggins, would bring Plaintiff and her brother to his assigned police precinct at the time. Defendant Wiggins would take Plaintiff’s brother to the police gym or weight room where he

would be occupied for a period of time, and would then take the Plaintiff to Fairmount Park where Wiggins would have sex with Plaintiff while he was on duty.

45. Defendant Wiggins also would come to Plaintiff's apartment to have sex with her while he was on duty, and wearing his "work rig," and would lie to radio dispatch about being in Plaintiff's apartment when dispatch asked about his whereabouts.

46. Eventually, Plaintiff Deborah Grooms could no longer tolerate the threats, sexual abuse and violence. She mustered the strength to confide in co-workers who strongly encouraged her to come forward and report the matter to the police.

47. On January 12, 2006, Plaintiff Deborah Grooms reported Wiggins' sexual abuse and violence to the Philadelphia Police Department. Plaintiff Deborah Grooms gave statements to the Philadelphia Police Department's Special Victims Unit and the Internal Affairs Division. That same day, Plaintiff Deborah Grooms obtained an emergency protection from abuse order, which was served upon Defendant Wiggins.

48. As is the normal and typical protocol for Police Officers under investigation for misconduct, in the aftermath of Plaintiff's disclosures, Defendant Wiggins was placed on restricted duty and his service weapon was confiscated. Per Order of the Police Commissioner, Defendant Wiggins was prohibited from taking police action on or off duty and/or carrying a firearm on or off duty.

49. Despite the fact that Defendant Wiggins had not been "cleared" of wrongdoing and was under investigation for serious felony crimes carrying lengthy prison terms, the Commanding Officer of the Internal Affairs Division, in a memorandum dated August 3, 2007, authorized Wiggins' return to active duty, and further authorized the return of his service weapon.

50. Over the course of the next approximately two years, the Internal Affairs Division of the Philadelphia Police Department conducted a comprehensive investigation of Defendant Wiggins, the outcome of which fully substantiated Plaintiff's complaints of sexual abuse and violence.

51. On November 18, 2009, apparently tipped off that an arrest and formal charges were imminent and in an effort to save his city pension, Defendant Wiggins was permitted to resign from the Philadelphia Police Department.

52. The next day, on November 19, 2009, Defendant Wiggins was arrested and charged with various serious crimes arising from his sexual assault of Plaintiff Deborah Grooms.

53. No one within the Philadelphia Police Department saw fit to publicly announce that Defendant Wiggins had been arrested, nor did anyone in the Police Department notify officials with the City's Department of Parks and Recreation that, as a result of Wiggins' arrest, he should have no further contact with children or students or continue to teach karate at city-owned and/or operated recreational centers.

54. Incredibly, Defendant Wiggins was instead permitted to continue to teach karate classes at the Olney Recreational Center during the entirety of the criminal investigation, and for some period of time, even after his arrest.

55. Defendant Wiggins was prosecuted by the Philadelphia District Attorney's Office for the sexual crimes he committed over many years against Plaintiff, Deborah Grooms. A little over a year following his arrest, on December 14, 2010, a Philadelphia jury found Wiggins guilty of involuntary deviate sexual intercourse, aggravated indecent assault, statutory sexual assault, and corrupting the morals of a minor arising from his long-standing sexual exploitation of

Plaintiff.

56. On March 25, 2011, Defendant Wiggins was sentenced to 17 ½ to 35 years in prison for his heinous crimes against Plaintiff Deborah Grooms.

Count I

Deborah Grooms vs. All Defendants
Deprivation of Substantive Due Process

57. Plaintiff Deborah Grooms hereby incorporates by reference the preceding paragraphs.

58. Plaintiff Deborah Grooms had a fundamental and well-established right to be secure in her person, a right not to be physically assaulted or emotionally brutalized and/or a right to be protected from sexual assault and violence at the hands of a Police Officer.

59. Defendants' acts and omissions constituted deliberate indifference and callous disregard for Plaintiff's substantive due process rights to bodily integrity and to be free from sexual assault, oppression and violence at the hands of Police Officers who use, misuse, and abuse their authority, status and position, which is secured and protected by the Fourteenth Amendment to the Constitution of the United States, by, among other things:

- (a) the unlawful sexual assault and violence perpetrated and committed against Plaintiff at the hands of Defendant Wiggins who used, misused, and abused his official position, status and authority as a Police Officer to perpetrate his crimes against Plaintiff.
- (b) the intentional and reckless disregard for citizen complaints regarding Defendant, Wiggins' abuse of authority as a Police Officer.
- (c) the development and implementation of reckless policies, practices and/or procedures governing the conduct of Police Officers that inadequately protected innocent citizens, such as Plaintiff Deborah Grooms, from sexual assaults and violence perpetrated by rogue and out-of-control Police Officers.

- (d) the intentional and reckless failure of the Defendants to preclude, prevent, restrain and/or stop Defendant Wiggins from using, misusing and abusing his official authority, status and position as a Police to effectuate sexual assault of citizens, such as Plaintiff.
- (e) possessing actual and/or constructive knowledge of and acquiescing to Defendant Wiggins' violations of Plaintiff's constitutional and civil rights as described herein.
- (f) the intentional and reckless failure to prevent recurrence of the harm to Plaintiff at the hands of Defendant Wiggins.
- (g) the intentional and reckless failure to properly screen Defendant Wiggins' background and/or to verify and re-verify his credentials and fitness to serve as a Police Officer.
- (h) the unlawful sexual assault and battery of a minor at the hands of Defendant, Wiggins, who abused his official position as a police officer to "groom" and get close to Plaintiff when she was of tender age and vulnerable for the purpose of sexually abusing her.
- (i) the development and implementation of reckless policies, practices and/or procedures governing the off-duty and/or non-police activities of Police Officers.
- (j) the intentional and reckless failure to properly control, monitor and/or supervise Defendant Wiggins' off-duty and/or non-police activities, including his activities and conduct as a karate instructor at the Olney Recreation Center.
- (k) the development and implementation of reckless policies, practices and/or procedures governing the screening, hiring, discipline and retention of police officers who are unfit to serve.
- (l) the development and implementation of reckless policies, practices and/or procedures governing the assignment of unfit police personnel to duties that would result in the likelihood of injury or harm to innocent citizens and others through contact with such police personnel.
- (m) the intentional and reckless failure of defendants to properly train, supervise, monitor and/or control the actions and activities of police officers.
- (n) the development and implementation of reckless policies, practices and/or procedures governing the training, supervision, monitoring and/or control of police officers.

- (o) the intentional and reckless failure of defendants to properly discipline, reprimand or discharge police officers engaged in crimes, misconduct and/or other actions unbecoming of a police officer.
- (p) the development and implementation of reckless policies, practices and/or procedures governing the discipline, reprimand and/or discharge of police officers engaged in crimes, misconduct and/or other actions unbecoming of a police officer.
- (q) the intentional and reckless failure to properly oversee, supervise, monitor, control, curtail, or restrain the actions of unfit police officers, such as Defendant Wiggins, when Defendants knew, or should have known, from prior acts of misconduct by Defendant Wiggins posed a serious threat of physical injury and/or harm to innocent citizens.

60. Defendants' conduct was egregious and shocked the conscience.

61. The actions and/or inactions of Defendants violated the clearly established and well settled federal constitutional rights of the Plaintiff Deborah Grooms.

62. As a direct result of Defendants' constitutional violative policies, procedures, customs, actions and/or omissions, Plaintiff Deborah Grooms has suffered injuries which include, but are not limited to, the following: exposure to sexual assault, severe emotional disturbance, shame, embarrassment, the inability to socially adjust to her peers, the inability to be outgoing, anxiety, fear, as well as other permanent psychological disorders that will continue to have an adverse impact on her for the foreseeable future; emotional pain and suffering; loss of sleep; damage to nerves and the nervous system; and other ailments that Plaintiff's treating physicians have and will diagnose.

63. As a direct result of Defendants' constitutional violative policies, procedures, customs, actions and/or omissions, Plaintiff Deborah Grooms has been or will be required to receive and undergo medical attention and care and to expend various sums of money and incur various expenses and may be required to continue to expend such sums or incur such expenditures

for an indefinite time in the future.

64. As a direct result of Defendants' constitutional violative policies, procedures, customs, actions and/or omissions, Plaintiff Deborah Grooms, has suffered a significant loss of earnings and impairment of earning power and capacity.

65. As a direct result of Defendants' constitutional violative policies, procedures, customs, actions and/or omissions, Plaintiff Deborah Grooms has suffered substantial physical pain, mental anguish and humiliation, and may continue to suffer same for an indefinite time in the future.

WHEREFORE, Plaintiff demands punitive, compensatory and special damages against Defendants, jointly and severally, together with attorney fees and costs, pre and post judgment interest. Plaintiff also demands declaratory relief in the nature of a Declaratory Judgment that policies, practices and acts complained of are illegal and unconstitutional.

Count II

Deborah Grooms vs. Defendants City of Philadelphia, Neal, Timoney, Johnson and Philadelphia Department of Parks and Recreation
Failure to Properly Screen, Hire, Supervise, Investigate, Educate, Train, Discipline, Discharge and/or Control

66. Plaintiff Deborah Grooms hereby incorporates by reference the preceding paragraphs.

67. Plaintiff Deborah Grooms had a fundamental and well-established right to be secure in her person, a right not to be physically assaulted or emotionally brutalized, and/or a right to be protected from sexual assault and violence at the hands of a Police Officer.

68. Defendants' acts and omissions constituted deliberate indifference and callous

disregard for Plaintiff's substantive due process rights to bodily integrity and to be free from sexual assault, oppression and violence at the hands of Police Officers who use, misuse, and abuse their authority, status and position, which is secured and protected by the Fourteenth Amendment to the Constitution of the United States.

69. Among other things, Defendants permitted Wiggins to teach a karate class at the Olney Recreation Center where he had unbridled access to children and other individuals, including Plaintiff Deborah Grooms.

70. Defendants knew or should have known that Wiggins was abusing his authority as a Police Officer to sexually exploit Plaintiff, beginning when she was a student in his karate class at the Olney Recreation Center.

71. The violation of Plaintiff's substantive due process rights, as described above and herein, were also caused by the Defendants' refusal and/or failure to properly screen, hire, supervise, investigate, educate, train, discipline, discharge and/or control Defendant Wiggins, or otherwise to properly verify and re-verify his credentials, ability and fitness to serve as a Police Officer and/or to have access to children and to teach children karate at the Olney Recreation Center.

72. Defendants' conduct was egregious and shocked the conscience.

73. The actions and/or inactions of Defendants violated the clearly established and well settled federal constitutional rights of the Plaintiff Deborah Grooms.

74. As a direct result of Defendants' constitutional violative policies, procedures, customs, actions and/or omissions, Plaintiff Deborah Grooms has suffered injuries which include, but are not limited to, the following: exposure to sexual assault, severe emotional disturbance,

shame, embarrassment, the inability to socially adjust to her peers, the inability to be outgoing, anxiety, fear, as well as other permanent psychological disorders that will continue to have an adverse impact on her for the foreseeable future; emotional pain and suffering; loss of sleep; damage to nerves and the nervous system; and other ailments that Plaintiff's treating physicians have and will diagnose.

75. As a direct result of Defendants' constitutional violative policies, procedures, customs, actions and/or omissions, Plaintiff Deborah Grooms has been or will be required to receive and undergo medical attention and care and to expend various sums of money and incur various expenses and may be required to continue to expend such sums or incur such expenditures for an indefinite time in the future.

76. As a direct result of Defendants' constitutional violative policies, procedures, customs, actions and/or omissions, Plaintiff Deborah Grooms has suffered a significant loss of earnings and impairment of earning power and capacity.

77. As a direct result of Defendants' constitutional violative policies, procedures, customs, actions and/or omissions, Plaintiff Deborah Grooms has suffered substantial physical pain, mental anguish and humiliation, and may continue to suffer same for an indefinite time in the future.

WHEREFORE, Plaintiff demands punitive, compensatory and special damages against Defendants, jointly and severally, together with attorney fees and costs, pre and post judgment interest. Plaintiff also demands declaratory relief in the nature of a Declaratory Judgment that policies, practices and acts complained of are illegal and unconstitutional.

Count III

**Deborah Grooms vs. Defendants City of Philadelphia and Philadelphia Department of
Parks and Recreation
Municipal Liability**

78. Plaintiff Deborah Grooms hereby incorporates by reference the preceding paragraphs.

79. Defendant City of Philadelphia is a municipal entity that is subject to suit pursuant to 42 U.S. C. §1983.

80. Defendant Philadelphia Department of Parks and Recreation operates as an agency or department within the City of Philadelphia that is subject to suit pursuant to 42 U.S. C. §1983.

81. Defendant's constitutional torts are not governed or limited in any way by 42 Pa. C.S. §8541, *et seq.* or 42 Pa. C.S. §8521, *et seq.*

82. Plaintiff Deborah Grooms had a fundamental and well-established right to bodily integrity, to be secure in her person, a right not to be physically assaulted or emotionally brutalized, and/or a right to be protected from sexual assault and violence at the hands of a Police Officer.

83. Defendants' acts and omissions constituted deliberate indifference and callous disregard for Plaintiff's substantive due process rights to bodily integrity and to be free from sexual assault, oppression and violence at the hands of Police Officers who use, misuse, and abuse their authority, status and position, which is secured and protected by the Fourteenth Amendment to the Constitution of the United States.

84. Defendants City of Philadelphia and/or Philadelphia Department of Parks and

Recreation have developed and maintained policies, practices, procedures and customs exhibiting deliberate indifference to the constitutional rights of persons within the geographical and jurisdictional limits of the City and County of Philadelphia.

85. The deprivation of Plaintiff's substantive due process rights to bodily integrity resulted from the constitutionally violative policies, practices, procedures and/or customs of the City of Philadelphia, including but not limited to, as follows:

- (a) the development and implementation of reckless policies, practices and/or procedures governing the conduct of police officers that inadequately protected citizens, such as Plaintiff Deborah Grooms, from sexual assaults and violence perpetrated by rogue and out-of-control police officers who use, misuse, and abuse their authority as Police Officers.
- (b) the development and implementation of reckless policies, practices and/or procedures governing the off-duty and/or non-police activities of Police Officers.
- (c) the development and implementation of reckless policies, practices and/or procedures governing the screening, hiring, discipline and retention of Police Officers who are unfit to serve.
- (d) the development and implementation of reckless policies, practices and/or procedures governing the assignment of unfit police personnel to duties that would result in the likelihood of injury or harm to innocent citizens and others through contact with such police personnel.
- (e) the development and implementation of reckless policies, practices and/or procedures governing the training, supervision, monitoring and/or control of Police officers.
- (f) the development and implementation of reckless policies, practices and/or procedures governing the discipline, reprimand and/or discharge of police officers engaged in crimes, misconduct and/or other actions unbecoming of a Police Officer.

86. Defendants' conduct was egregious and shocked the conscience.

87. The actions and/or inactions of Defendants violated the clearly established and

well settled federal constitutional rights of the Plaintiff Deborah Grooms.

88. As a direct result of Defendants' constitutional violative policies, procedures, customs, actions and/or omissions, Plaintiff Deborah Grooms has suffered injuries which include, but are not limited to, the following: exposure to sexual assault, severe emotional disturbance, shame, embarrassment, the inability to socially adjust to her peers, the inability to be outgoing, anxiety, fear, as well as other permanent psychological disorders that will continue to have an adverse impact on her for the foreseeable future; emotional pain and suffering; loss of sleep; damage to nerves and the nervous system; and other ailments that Plaintiff's treating physicians have and will diagnose.

89. As a direct result of Defendants' constitutional violative policies, procedures, customs, actions and/or omissions, Plaintiff Deborah Grooms has been or will be required to receive and undergo medical attention and care and to expend various sums of money and incur various expenses and may be required to continue to expend such sums or incur such expenditures for an indefinite time in the future.

90. As a direct result of Defendants' constitutional violative policies, procedures, customs, actions and/or omissions, Plaintiff Deborah Grooms has suffered a significant loss of earnings and impairment of earning power and capacity.

91. As a direct result of Defendants' constitutional violative policies, procedures, customs, actions and/or omissions, Plaintiff Deborah Grooms has suffered substantial physical pain, mental anguish and humiliation, and may continue to suffer same for an indefinite time in the future.

WHEREFORE, Plaintiff demands punitive, compensatory and special damages against

Defendants, jointly and severally, together with attorney fees and costs, pre and post judgment interest. Plaintiff also demands declaratory relief in the nature of a Declaratory Judgment that policies, practices and acts complained of are illegal and unconstitutional.

Count IV

Deborah Grooms vs. Defendant Wiggins
Intentional Infliction of Emotional Distress

92. Plaintiff Deborah Grooms hereby incorporates by reference the preceding paragraphs.

93. As set forth herein, Defendant Wiggins intended his criminal actions to cause harm to Plaintiff.

94. The harm suffered by Plaintiff was a direct, foreseeable and proximate result of the criminal acts, as described more fully above and herein.

95. As a direct and proximate result of the intentional infliction of emotional distress inflicted by Defendant Wiggins, Plaintiff Deborah Grooms has suffered injuries which include, but are not limited to, the following: exposure to sexual assault, severe emotional disturbance, shame, embarrassment, the inability to socially adjust to her peers, the inability to be outgoing, anxiety, fear, as well as other permanent psychological disorders that will continue to have an adverse impact on her for the foreseeable future; emotional pain and suffering; loss of sleep; damage to nerves and the nervous system; and other ailments that Plaintiff's treating physicians have and will diagnose.

96. As a direct and proximate result of the intentional infliction of emotional distress inflicted by Defendant Wiggins, Plaintiff Deborah Grooms has been or will be required to receive

and undergo medical attention and care and to expend various sums of money and incur various expenses and may be required to continue to expend such sums or incur such expenditures for an indefinite time in the future.

97. As a direct and proximate result of the intentional infliction of emotional distress inflicted by Defendant Wiggins, Plaintiff Deborah Grooms has suffered a significant loss of earnings and impairment of earning power and capacity.

98. As a direct and proximate result of the intentional infliction of emotional distress inflicted by Defendant Wiggins, Plaintiff Deborah Grooms has suffered substantial physical pain, mental anguish and humiliation, and may continue to suffer same for an indefinite time in the future.

WHEREFORE, Plaintiff demands punitive, compensatory and special damages against Defendants, jointly and severally, together with attorney fees and costs, pre and post judgment interest. Plaintiff also demands declaratory relief in the nature of a Declaratory Judgment that policies, practices and acts complained of are illegal and unconstitutional.

Count V

Deborah Grooms vs. Defendant Wiggins
Assault and Battery

99. Plaintiff Deborah Grooms hereby incorporates by reference the preceding paragraphs.

100. Plaintiff was sexually assaulted by Defendant Wiggins, as described more fully above and herein.

101. At all relevant times, Defendant Wiggins used, misused, and abused his authority,

status and position of power as a Philadelphia Police Officer, and preyed upon Plaintiff, who was of tender age and vulnerable, in order to commit sex crimes against her, at a time when she was not legally capable of consenting to any sex acts with an adult male Police Officer.

102. As set forth herein, the sexual assault by Defendant Wiggins was done wantonly, recklessly and with malicious and premeditated criminal intent and with an absolute disregard for the health, safety and welfare of Plaintiff.

103. In committing the crimes described herein, Defendant Wiggins committed an offensive, abusive, harmful, illegal, unlawful, immoral and criminal touching of Plaintiff.

104. Defendant Wiggins was convicted by a judge and jury of felony crimes and offenses arising out of the sexual assault of Plaintiff.

105. The harm suffered by Plaintiff was a direct, foreseeable and proximate result of the criminal acts, as described more fully above and herein.

106. As a direct result of Defendant Wiggins' criminal sexual assault and battery, Plaintiff Deborah Grooms has suffered injuries which include, but are not limited to, the following: exposure to sexual assault, severe emotional disturbance, shame, embarrassment, the inability to socially adjust to her peers, the inability to be outgoing, anxiety, fear, as well as other permanent psychological disorders that will continue to have an adverse impact on her for the foreseeable future; emotional pain and suffering; loss of sleep; damage to nerves and the nervous system; and other ailments that Plaintiff's treating physicians have and will diagnose.

107. As a direct result of Defendant Wiggins' criminal sexual assault and battery, Plaintiff Deborah Grooms has been or will be required to receive and undergo medical attention and care and to expend various sums of money and incur various expenses and may be required to

continue to expend such sums or incur such expenditures for an indefinite time in the future.

108. As a direct result of Defendant Wiggins' criminal sexual assault and battery, Plaintiff Deborah Grooms has suffered a significant loss of earnings and impairment of earning power and capacity.

109. As a direct result of Defendant Wiggins' criminal sexual assault and battery, Plaintiff Deborah Grooms has suffered substantial physical pain, mental anguish and humiliation, and may continue to suffer same for an indefinite time in the future.

WHEREFORE, Plaintiff demands punitive, compensatory and special damages against Defendants, jointly and severally, together with attorney fees and costs, pre and post judgment interest. Plaintiff also demands declaratory relief in the nature of a Declaratory Judgment that policies, practices and acts complained of are illegal and unconstitutional.

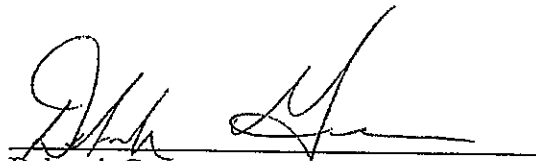
**EISENBERG, ROTHWEILER,
WINKLER, EISENBERG & JECK, P.C.**

By: s/Nancy J. Winkler
Stewart J. Eisenberg, Esquire
Nancy J. Winkler, Esquire
Dino Privitera, Esquire
Attorneys for Plaintiff

Date: July 1, 2013

VERIFICATION

I, Deborah Grooms, having read the attached Complaint, verify that it is based on information furnished to counsel, which information has been gathered by counsel in connection with this lawsuit. The language of the Complaint, is that of counsel and is not mine. I verify that I have read the within Complaint and that it is true and correct to the best of my knowledge, information, and belief. To the extent that the contents of the Complaint are that of counsel, I have relied upon counsel in making this verification. This verification is made subject to the penalties of 18 Pa.C.S.A. §4904 relating to unsworn falsification to authorities.


Deborah Grooms

UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF PENNSYLVANIA – DESIGNATION FORM to be used by counsel to indicate the category of the case for the purpose of assignment to appropriate calendar.

Address of Plaintiff: 1801 Beyer Avenue, Apt. B, Philadelphia, PA 19115

Address of Defendant: Law Department, 1515 Arch Street, 14th Floor, Philadelphia, PA 19102

Place of Accident, Incident or Transaction: Philadelphia, PA
(Use Reverse Side For Additional Space)

Does this civil action involve a nongovernmental corporate party with any parent corporation and any publicly held corporation owning 10% or more of its stock?
(Attach two copies of the Disclosure Statement Form in accordance with Fed.R.Civ.P. 7.1(a)). Yes ☐ No ☒

Does this case involve multidistrict litigation possibilities? Yes ☐ No ☒
RELATED CASE IF ANY:

Case Number: _____ Judge _____ Date Terminated: _____

Civil cases are deemed related when yes is answered to any of the following questions:

1. Is this case related to property included in an earlier numbered suit pending or within one year previously terminated action in this court?
Yes ☐ No ☒
2. Does this case involve the same issue of fact or grow out of the same transaction as a prior suit pending or within one year previously terminated action in this court?
Yes ☐ No ☒
3. Does this case involve the validity or infringement of a patent already in suit or any earlier numbered case pending or within one year previously terminated action in this court?
Yes ☐ No ☒

CIVIL: (Place in ONE CATEGORY ONLY)

A. Federal Question Cases:

1. ☐ Indemnity Contract, Marine Contract, and All
2. ☐ FELEA
3. ☐ Jones Act – Personal Injury
4. ☐ Antitrust
5. ☐ Patent
6. ☐ Labor-Management Relations
7. ☒ Civil Rights
8. ☐ Habeas Corpus
9. ☐ Securities Act(s) Cases
10. ☐ Social Security Review Cases
11. ☐ All Other Federal Questions Cases (Please specify)

B. Diversity Jurisdiction Cases:

- Other Contracts
1. ☐ Insurance Contract and Other Contracts
 2. ☐ Airplane Personal Injury
 3. ☐ Assault, Defamation
 4. ☐ Marine Personal Injury
 5. ☐ Motor Vehicle personal Injury
 6. ☐ Other Personal Injury (Please specify)
 7. ☐ Products Liability
 8. ☐ Products liability - Asbestos
 9. ☐ All other Diversity Cases
(Please specify)

ARBITRATION CERTIFICATION

(Check appropriate Category)

I, Christopher H. Rider, counsel of record do hereby certify:

- ☐ Pursuant to Local Rule 53.3 A, civil rights cases are excluded from arbitration.
- ☐ Pursuant to Local Civil Rule 53.2, Section 3(c)(2), that to the best of my knowledge and belief, the damages recoverable in this civil action case exceed the sum of \$150,000.00 exclusive of interest and costs;
- ☐ Relief other than monetary damages is sought.

DATE: 7/23/13 Christopher H. Rider 307265
Attorney-at-Law Attorney I.D. #

NOTE: A trial de novo will be a trial by jury only if there has been compliance with F.R.C.P. 38.

I certify that, to my knowledge, the within case is not related to any case now pending or within one year previously terminated action in this court except as noted above.

DATE: 7/23/13  307265
Christopher H. Rider, Esquire Attorney I.D. #
Attorney-at-Law

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

Deborah Grooms

Civil Action

**v. Tyrone Wiggins, City of Phila.,
Richard Neal, John Timoney,
Sylvester Johnson and Phila.
Dept. of Parks and Recreation**

No.

CASE MANAGEMENT TRACK DESIGNATION FORM

In accordance with the Civil Justice Expense and Delay Reduction Plan of this court, counsel for plaintiff shall complete a Case Management Track Designation Form in all civil cases at the time of filing the complaint and serve a copy on all defendants. (See § 1:03 of the plan set forth on the reverse side of this form.) In the event that a defendant does not agree with the plaintiff regarding said designation, that defendant shall, with its first appearance, submit to the clerk of court and serve on the plaintiff and all other parties, a case management track designation form specifying the track to which that defendant believes the case should be assigned.

SELECT ONE OF THE FOLLOWING CASE MANAGEMENT TRACKS:

- (a) Habeas Corpus -- Cases brought under 28 U.S.C. §2241through § 2255. ()
- (b) Social Security -- Cases requesting review of a decision of the Secretary of Health and Human Services denying plaintiff Social Security Benefits. ()
- (c) Arbitration -- Cases required to be designated for arbitration under Local Civil Rule 53.2. ()
- (d) Asbestos -- Cases involving claims for personal injury or property damage from exposure to asbestos. ()
- (e) Special Management -- Cases that do not fall into tracks (a) through (d) that are commonly referred to as complex and that need special or intense management by the court. (See reverse side of this form for a detailed explanation of special management cases.) ()
- (f) Standard Management -- Cases that do not fall into any one of the other tracks. (X)

7/23/13

Christopher H. Rider, Esquire

City of Philadelphia, et al.

Date

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